

CIVIL PRACTICE SUBCOMMITTEE OF HOUSE JUDICIARY COMMITTEE

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 2617

House Bill No. 2268*

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by deleting all of the printed bill following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 9-8-301, is amended by deleting subsection (a) and substituting instead the following:

(a) There is hereby created an administrative tribunal consisting of four (4) members, one (1) from each Grand Division of the State, and one (1) designated as a Commissioner at Large, known as the Tennessee Claims Commission.

SECTION 2. Tennessee Code Annotated, Section 9-8-302, is amended by adding the following new subsection (b)(3) as follows:

(3) In order to implement the creation of a position for a commissioner at large, the commissioner at large shall be appointed to six (6) year terms.

SECTION 3. Tennessee Code Annotated, Section 9-8-302, is further amended by deleting subsection (c) and substituting instead the following:

(c) Each commissioner shall have resided in Tennessee for five (5) years prior to appointment, and shall have been licensed to practice law for at least five (5) years prior to appointment. The commissioners appointed from the grand divisions shall have resided in the division from which such commissioner is appointed for one (1) year prior to appointment. The sole residency requirement for the commissioner at large is that such commissioner shall have resided in Tennessee for five (5) years prior to

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appointment. No commissioner may practice law while serving on the commission. The commissioners shall discontinue the practice of law as soon after their appointments as is practicable. The commissioners shall comply with the standards of conduct contained in the Code of Judicial Conduct of Rules of the Tennessee Supreme Court.

SECTION 4. Tennessee Code Annotated, Section 9-8-305, is amended by deleting subsection (1) and substituting instead the following:

(1) Throughout the state each commissioner has the authority to hear and determine claims against the state falling within the categories enumerated in Tennessee Code Annotated, Section 9-8-307. This statewide authority is to enable the commission to respond appropriately to matters such as recusal and work load adjustment. The hearing and determination of claims arising in a particular grand division shall remain the primary responsibility of the commissioner appointed from that grand division. In consultation with the commissioner at large the commissioners from the three (3) grand divisions shall assign or transfer an appropriate portion of claims from the divisions to the docket of the commissioner at large. Every reasonable effort shall be made to maintain an approximately equal work load among all of the commissioners. In this assignment or transfer process consideration shall be given to the total number of claims, the types of claims, and the amount of travel

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involved with respect to the location of the office of the commissioner at large. If the commissioners are unable to reach an agreement with respect to the claims to be assigned or transferred to the docket of the commissioner at large, the chairperson shall assign or transfer to the docket of the commissioner at large an appropriate number of claims.

SECTION 5. Tennessee Code Annotated, Section 9-8-404, is amended by deleting subsection (c) and substituting instead the following:

(c) If the work load of any commissioner becomes excessive, the commissioners shall take appropriate action to make adjustments subject to the capacity of available resources. If the commissioners are unable to agree concerning the adjustments, the chairperson shall implement appropriate adjustments.

SECTION 6. For purposes of appointing a commissioner for the newly created position of commissioner at large created by Section 1 of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all purposes, including the beginning of such new commissioner's term of office, this act shall take effect on July 1, 1996, the public welfare requiring it.